

*Public Service Commission
Of West Virginia*

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Received & Inspected

SEP 28 2011

FCC Mail Room

September 27, 2011

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, Maryland 20743
(overnight mail)

(Duplicate copy to:)
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Karen Majcher
Universal Service Administrative Company
2000 L Street, NW
Suite 200
Washington, DC 20036

Re: Supplemental Certification of High Cost Support Pursuant to 47
C.F.R. §§54.313, 54.314 and 54.316, CC Docket No. 96-45

Dear Ms. Dortch and Ms. Majcher:

The Public Service Commission of West Virginia (WVPSC) submits this supplement to its annual certification filed in accordance with 47 C.F.R. §§54.313, 54.314 and 54.316. Federal Communications Commission (FCC) rules require state certifications to allow non-rural and rural incumbent local exchange carriers, or eligible telecommunications carriers (ETCs), to receive federal universal service support pursuant to 47 C.F.R. §§54.301 - 54.314.

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WVPSC filed the initial certification on September 20, 2011, by letter dated September 19, 2011.

In addition to the carriers previously certified by the September 19, 2011 letter, the WVPSC certifies that Cintex Wireless, LLC (Cintex) is eligible to receive federal universal service support from January 1, 2012, to December 31, 2012. Cintex is a non-rural competitive wireless ETC in West Virginia that is limited to Lifeline and LinkUp support. No Study Area Code is available at this time. The WVPSC also certifies that this carrier will use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended. This supplemental certification is the product of formal proceedings before the WVPSC. General Investigation Regarding Certification of Federal Universal Service Funding for Eligible Telecommunications Carriers in West Virginia, Case No. 11-0818-T-GI (Commission Order, September 27, 2011) (attached hereto).

On behalf of the residents of West Virginia, WVPSC continues to express its appreciation for the efforts of the FCC to extend telecommunications services to unserved areas.

Sincerely yours,



Michael A. Albert
Chairman

MJM/lld
Enclosures

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 27th day of September 2011.

CASE NO. 11-0818-T-GI (REOPENED)

GENERAL INVESTIGATION REGARDING CERTIFICATION
OF FEDERAL UNIVERSAL SERVICE FUNDING FOR
ELIGIBLE TELECOMMUNICATIONS CARRIERS IN WEST
VIRGINIA.

COMMISSION ORDER

The Commission reopens this matter to certify Cintex Wireless, LLC (Cintex) as properly using federal Universal Service Funds (USF) for the upcoming year.

BACKGROUND

On June 13, 2011, the Commission initiated its annual investigation into the fitness of Eligible Telecommunications Carriers (ETCs) for continued USF support for the upcoming calendar year.

On June 23, 2011, through July 1, 2011, eighteen ETCs filed requests for certification to receive USF support in 2012. Two additional carriers filed late certification requests.

On July 5, 2011, Commission Staff filed an initial memorandum stating that it would investigate this matter.

On August 16, 2011, Staff filed a memorandum recommending that the Commission certify the eligibility of carriers that responded to the June 13, 2011 Commission Order for continued USF support. Staff also recommended that the Commission certify four additional carriers that recently obtained ETC status in West Virginia. Staff subsequently recommended that the Commission certify two additional carriers as eligible to receive continued USF. September 7, 2011 Staff Memorandum.

The Commission certified twenty-six carriers to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) as eligible to continue to receive USF because the carriers are using those funds as provided by Section 254(e)

of the Telecommunications Act of 1934 as amended and codified at 47 U.S.C. §254(e) (Act). September 19, 2011 Commission Order.

On September 23, 2011, Staff filed a memorandum recommending that the Commission supplement its certification to the FCC and USAC by adding Cintex to the list of carriers previously certified under Section 254(e) of the Act.

DISCUSSION

The Commission accepts the Staff recommendation to supplement its September 19, 2011 Commission Order and will certify Cintex to the FCC and USAC as eligible to receive federal universal service support in calendar year 2012, because Cintex is properly using USF support consistent with Section 254(e) of the Act. The Commission notes that it recently approved Cintex as an ETC in West Virginia. Cintex Wireless, LLC, Case No. 11-0256-C-PC (Commission Order, July 14, 2011). Consistent with the ETC proceeding, this USF certification is limited to providing Lifeline and LinkUp service to eligible residents.

FINDING OF FACT

Staff recommended that the Commission certify Cintex as eligible to receive continued USF in 2012 because Cintex is using USF consistent with Section 254(e) of the Act. September 23, 2011 Staff Memorandum.

CONCLUSIONS OF LAW

1. The Commission opened the annual general investigation to assess the eligibility of ETCs to continue to receive USF support. June 13, 2011 Commission Order.
2. The Commission approved Cintex as an ETC in West Virginia after issuing the June 13, 2011 Commission Order. Case No. 11-0256-C-PC (Commission Order, July 14, 2011).
3. Cintex should be certified by letter to the FCC to receive federal universal support during calendar year 2012, because it uses federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended consistent with Section 254(e) of the Act.

ORDER

IT IS THEREFORE ORDERED that this matter is reopened.

IT IS FURTHER ORDERED that a certification be issued to the FCC and USAC stating that Cintex is using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Act.


IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that Cintex is eligible to continue receiving federal universal service support for calendar year 2012.

IT IS FURTHER ORDERED that the Executive Secretary shall docket a copy of the Commission letter to the FCC issued pursuant to this Order.

IT IS FURTHER ORDERED that on entry of this Order, this matter shall be removed from the active docket of Commission cases.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order by electronic service on all ETCs and parties requesting that service, on all other parties by United States First Class Mail and on Staff by hand delivery.

A True Copy, Teste:


Sandra Squire
Executive Secretary

MJM/lld
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